

Amendment
Serial No. 10/759,719

5000-1-510

REMARKS

Reconsideration of all grounds of rejection and allowance of the pending claims are respectfully requested in light of the amendments and the following remarks.

Claims 1-15 remain pending herein. Claims 1, 10, 12, 13 and 15 are independent claims. Claims 1-15 stand rejected under 35 U.S.C. §103(a) over Applicant's Admitted Prior Art (AAPA) in view of Vogler *et al.* (U.S. Pat. Appln. Pub. No. 2004/0193902) ("Vogler"). Applicant respectfully traverses this ground of rejection for the reasons indicated hereinbelow.

With regard to the combination of APA and Vogler, Applicant respectfully disagrees that the APA admits that a GE-PON operates by encryption and most strongly disagrees that there is any admission whatsoever that there was a workable encryption system in GE-PON at the time of invention. A reading of the specification indicates that the Applicant discusses ATM-PON attempts at encryption via, for example the churning method. Applicant's specification notes that the ATM-PON encryption has "significant problems" and is inconsistent with GE-PON, because encryption as in ATM-PON is too slow for GE-PON and has problems with efficiency. Furthermore, Applicant only states that with regard to GE-PON such encryption is "just being developed" which is clearly not an admission of prior art. "Just being developed" means it does not yet exist, and Applicant strongly disagrees that there is any admission whatsoever that encryption of a GE-PON in a functional format existed at the time of invention.

With regard to what is alleged to be APA (the APA being that an ATM-PON uses encryption that is not suitable for a GE-PON) in combination with Vogler clearly fails to disclose or suggest or otherwise render the claimed invention obvious.

For example, with regard to claims the combination of alleged APA and Vogler, the contact rendering device 100 in Vogler includes a private key 151 which is a complementary key

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of the public key used to encrypt the content key. The private key 151 is part of a DRM module 150 resides in the content rendering device 100 and is used to decrypt the content key 120.

In contrast to the APA and Vogler, present claim 1 recites that the private key resides d in the ONT in an ONT Key Management Unit 500. Claims 1, 10 and 12 have been amended to clarify this recitation. Support is clearly shown at least in FIG. 3, original claim 5, and the specification at page 14, lines 16-21). Claim 1 has also been amended to include part of the recitation of claim 5.

For at least the above reasons, independent claims 1, 10 and 12 are clearly not obvious in view of the combination of APA and Vogler, as the combination clearly fails to disclose at least the recitation regarding the private key and the ONT key management unit. Nor would the combination of elements, as recited by present claims 1, 10 and 12, have been obvious as being within the level of ordinary skill in the art (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

Furthermore, with regard to independent claims 13 and 15, Applicant respectfully submits that the combination of APA and Vogler fails to disclose the recitations as recited in said present claims as the APA is silent and in combination Vogler discloses a content key used by an algorithm such as AES to encrypt the content 105 is also used to decrypt the content 105 (page 2, paragraph [0016], lines 6-8). At page 3, paragraph [0017] Vogler discloses first encrypting the data content 105 with content key 120, then encrypting the content key. Then the content key is first decrypted, thus providing a public key to decrypt the data.

In contrast to the aforementioned description of Vogler, claim 1 of the present invention first encrypting a key to create a secret key, then encrypts the data by the secret key. Thus the encryption steps are distinguished in claims 13 and 15 from the combination of APA and

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Vogler.

For at least the above reasons, none of independent claims 1, 10, 12, 13 and 15 would have been obvious to a person of ordinary skill in the art at the time of invention over the combination of APA and Vogler, as the combination fails to disclose or render obvious all the recitations in the claims.

Nor would the combination of elements, as recited by the present claims, have been obvious as being within the level of ordinary skill in the art (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

Applicant respectfully requests reconsideration and withdrawal of this ground of rejection.

The other claims in this application are each dependent on the independent claims 1, 10, 12, 13 and 15 are believed patentable at least for their dependency from one of the independent claims, which are believed patentable for at least the reasons discussed above. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

While no fees are believed due at this time, please credit any overage or charge any deficiency to deposit account 502-470.

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Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,
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